

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed June 10, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 1-4 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Applicant notes that claim 1 has been amended in a manner so as to remove the identified indefiniteness. In view of this amendment, it is respectfully asserted that claims 1-4 currently define the invention in the manner required by 35 U.S.C. § 112. Accordingly, it is respectfully requested that the rejection to these claims be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 102(e)**

Claims 1-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Arcuri, et al. ("Arcuri," U.S. Pat. No. 6,121,968). Applicant respectfully traverses this rejection.

Given that each independent claim has been amended through this response, Applicant respectfully submits that the rejection is moot as having been drawn against the claims in their original form. Regardless, Applicant discusses the applicability of the Arcuri reference to Applicant's claims in the following.

#### **A. The Arcuri Disclosure**

Arcuri discloses an adaptive menu system. As is described by Arcuri, drop down menus are provided to the user in two states: a short menu state and a long menu state. Arcuri, column 4, lines 29-32. When a user selects a given menu, the short menu, which comprises a listing of executable commands, is presented to the user. Arcuri, column 4, lines 31-35. When the user needs a command that is not included in the short menu, however, the short menu is expanded (either manually or automatically) to the long menu state in which the user will find the needed command. Arcuri, column 4, lines 44-47. Once the user selects the needed command from the long menu, Arcuri's system dynamically adds the selected command to the short menu to adapt the short menu to the needs of the user. Arcuri, column 4, lines 47-51. Accordingly, the Arcuri system adjusts the short menu so that it contains any non-default commands that the user needs.

In addition, the Arcuri system tracks usage of the commands added to the short menu to determine whether those commands should be removed from the short menu. Arcuri, column 4, lines 59-64. For example, if an added command is not used frequently by the user (or not ever used again), the command can be automatically removed from the short menu. Operating in this manner, menu "bloating" is avoided and the short menu is controlled so as to only comprise those commands that are believed to be most useful to the user.

In view of the above description of the Arcuri disclosure, it is clear that Arcuri does not modify any menus based upon the document that is running. In other words, the various commands that are presented to the user within a program are not document-specific. Instead, the commands that are presented to the user are generally available for selection in relation to any document opened within the program. The presence or

absence of a given command in the short menu has nothing to do with the particular document that is running, but rather pertains to the command usage in general (i.e., relative to any document run with the program).

## **B. Applicant's Claimed Inventions**

In contrast to that described in the Arcuri reference, Applicant's claims describe systems and methods in which the content of the menus provided to the user is dependent upon the particular document that is running, not command usage in general. For example, independent claim 1 describes the following method (emphasis added):

1. A method of *providing a menu in relation to a document*, the method comprising:

creating a main menu for a program, the main menu including menu items that are generally available for all documents opened within the program;

defining a document that can be opened within the program;

defining a predetermined behavior that can be used to modify documents opened within the program but that is not generally available for selection from the main menu;

*specifically associating the predetermined behavior with the defined document*; and

*creating a menu item associated with the predetermined behavior that is configured for addition to the main menu when the defined document is opened within the program but that is not made generally available for all documents opened within the program, such that the predetermined behavior will be available for selection from the main menu for the defined document but not necessarily for other documents opened within the program.*

As can be appreciated from the above, claim 1 describes a method in which a predetermined behavior is “specifically associated” with a given document. No such action occurs with the Arcuri system. Accordingly, Arcuri does not anticipate claim 1 for at least that reason.

Furthermore, the Arcuri system does not create a menu item “associated with the predetermined behavior that is configured for addition to the main menu when the defined document is opened within the program but that is not made generally available for all documents opened within the program, such that the predetermined behavior will be available for selection from the main menu for the defined document but not necessarily for other documents opened within the program”. Instead, as is noted above, the Arcuri system only modifies a menu in relation observed command usage in general, not in relation to a specific document.

To cite an illustrative example, if a user of the Arcuri system selected a “highlight” command from a program long menu while working on a Document 1, the “highlight” command would be added to the short menu so as to be available for later use with Document 1, *as well as with any other document opened within the program*. Therefore, if the user later opened a Document 2 within the program, the “highlight” command would be available from the short menu for use on Document 2. In fact, the “highlight” command would be available from the short menu for any document, at least until such time the Arcuri system removes the command for infrequent usage. This example shows that, contrary to that recited in claim 1, Arcuri’s menu is not modified relative to the specific document at issue, but instead based upon the user’s actions in general.

At least in view of the above, Arcuri does not anticipate Applicant’s claim 1. Applicant further notes that because Applicant’s other independent claims also contain

limitations concerning modifying a menu relative to a particular document, Arcuri further does not anticipate those other independent claims. Accordingly, Applicant respectfully submits that each of Applicant's remaining claims is allowable over Arcuri, and respectfully requests that the rejection of these claims be withdrawn.

#### **Canceled Claims**

As identified above, claims 2-3, 5-6, 10-11, 13, and 15-17 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

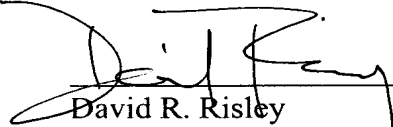
#### **New Claims**

As identified above, claims 18-24 have been added into the application through this response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

### CONCLUSION

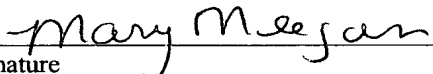
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
\_\_\_\_\_  
David R. Risley  
Registration No. 39,345

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

8-17-04

  
\_\_\_\_\_  
Signature